

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 12 MAY 2006

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Applicant's or agent's file reference 80066 Si/Ve	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DK2005/000038	International filing date (day/month/year) 21.01.2005	Priority date (day/month/year) 13.02.2004
International Patent Classification (IPC) or both national classification and IPC INV. E03C1/04		
Applicant DAMIXA A/S et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
 - This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.
3. This report contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application

Date of submission of the demand 29.09.2005	Date of completion of this report 12.05.2006
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Van Bost, S Telephone No. +31 70 340-4618



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/DK2005/000038

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-8 filed with telefax on 29.09.2005

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,4-8
	No: Claims	1,3
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document US-A-2 903 710 discloses (cf. col.2/l.30-col.4/l.3, figures) a mixer tap with a vertically movable spout (25) and an adjusting means (12,13), wherein the spout (25) can be moved from a lowered position and retracted by means of a piston rod (21) of a hydraulic cylinder, the movement of the piston rod (21) being controlled by the pressure from the water supply, and the water supply to the spout is not opened until the piston rod is in its most extended position (cf. in particular col.3/l.29-36).

Thus all features of claim 1 are known from document US-A-2 903 710.

1.2 Document US-A-2 903 710 also discloses the features of claim 3, therewith rendering the subject-matter of claim 3 not new.

2.1 Dependent claims 4 and 5-7 seem not to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see the documents and the corresponding passages cited in the search report.

2.2 Dependent claims 2 and 8 seem to relate to slight constructional changes of the mixer tap according to claim 1, which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of claims 2 and 8 also lacks an inventive step.

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Claims

1. Mixer tap with a vertically movable spout (2) and an adjusting means (4), characterised in that the spout (2) can be moved from a lowered or a hidden position and retracted by means of a piston rod of a hydraulic cylinder (6), the movements of the piston rod being controlled by the pressure from the water supply, and the water supply to the spout (2) is not opened until the piston rod is in its most extended, preferably upper most position.
- 5
- 10 2. Mixer tap according to claim 1, characterised in that a downward movement of the piston rod is activated by depressing the end of the spout (2) and releasing a snap lock (18).
- 15 3. Mixer tap according to claim 1 or 2, characterised in that the downward movement of the piston rod is activated by depressing and keeping the adjusting means (4') down until the spout (2) has adopted its lowered position.
- 20 4. Mixer tap according to claim 1 or 3, characterised in that the upward and downward movement of the spout (2) is activated alternately by momentarily depressing adjusting means (4').
- 25 5. Mixer tap according to claim 1, characterised in that a toothed rack (28) is inserted between the piston rod of the hydraulic cylinder (27) and the spout (22), said toothed rack meshing with a gear wheel (29) connected with a second wheel, preferably a gear wheel, driving a belt (30), preferably a toothed belt, connected to the spout (22).
- 30 6. Mixer tap according to claim 5, characterised in that the toothed belt (30) communicates with the spout (22) via a slide (31) which may slide along a track (33).

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7. Mixer tap according to claim 5 or 6, characterised in that the associated hydraulic control circuit is adapted such that water is not turned on until the spout (22) is in its uppermost position.

5 8. Mixer tap according to claim 7, characterised in that a slide valve (36) activated by the piston rod is provided to detect when the spout (22) is in its uppermost position.